



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Norio KIMURA et al.

Serial No. 09/777,707

Filed February 7, 2001

Confirmation No. 4320

Docket No. 2001-0122A

Group Art Unit 3723

Examiner Willie W. Berry, Jr.

POLISHING APPARATUS

PETITION TO RESET PERIOD OF REPLY DUE TO
LATE RECEIPT OF OFFICE ACTION UNDER MPEP S. 710.06

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

In the above-referenced application, an Office Action was received by the undersigned on January 7, 2002. The action carries a mail date of December 7, 2002.

Accordingly, it may be seen that this petition is being filed within 2 weeks of the date of receipt of the Office action at the correspondence address.

A substantial portion of the reply period had elapsed on the date of receipt, i.e. one month.

Accompanying this petition is a copy of the Office Action having the date of receipt of the Office Action at the correspondence address stamped thereon.

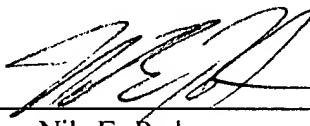
The date of receipt of the Office Action is thus January 7, 2002. This is established from the copy of the Office Action bearing the stamped date of receipt by the undersigned at the correspondence address, which is the undersigned's routine practice to indicate the date of receipt.

3723
EC
1-25-02
#5
Pet. to. reset
Record

Accordingly, Applicants petition to restart the period of response from the date of receipt, i.e. January 7, 2002, in accordance with MPEP s. 710.06.

Respectfully submitted,

Norio KIMURA et al.

By: 

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January 16, 2002

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975



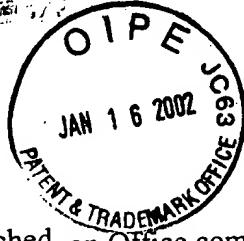
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,707	02/07/2001	Norio Kimura	2001_0122A	4320

513 7590 12/07/2001

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021



EXAMINER

BERRY, WILLIE WENDELL JR

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 12/07/2001

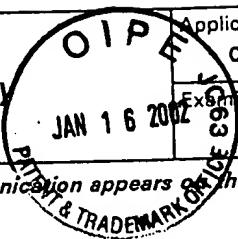
Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JAN - 7 2002

WENDEROTH, LIND & PONACK

Office Action Summary

Application No.
09/777,707

Applicant(s)

Kimura et al.

Examiner

Willie Berry, Jr.

Art Unit
3723

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Mar 27, 20012a) This action is FINAL.2b) This action is non-final.3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.6) Claim(s) 1-5 is/are rejected.7) Claim(s) 6-11 is/are objected to.8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.10) The drawing(s) filed on Feb 7, 2001 is/are objected to by the Examiner.11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).a) All b) Some* c) None of:1. Certified copies of the priority documents have been received.2. Certified copies of the priority documents have been received in Application No. _____.3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)18) Interview Summary (PTO-413) Paper No(s). _____16) Notice of Draftsperson's Patent Drawing Review (PTO-948)19) Notice of Informal Patent Application (PTO-152)17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 320) Other: _____

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 2/7/00. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

Drawings

2. Figures "1" and "2" should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 603.02(g).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiyama et al.

Hiyama discloses a polishing apparatus comprising: a turntable (1), a substrate holder (3), a dresser (8), and a pressure device (column 4, lines 1-5).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama et al.

Hiyama discloses as discussed above.

Hiyama does not disclose the specific kinetic frictional resistance in the cylinder and the two pressure supply devices connected to the cylinder.

In regard to claim 3, the specific kinetic frictional resistance in the cylinder would have been obvious to one having ordinary skill in the art at the time the invention was made, since it is within the general skill of a worker in the art to select optimum or workable ranges on the basis of its suitability for the user's preference as an obvious matter of design choice.

In regard to claim 4, the two pressure supply devices connected to the cylinder would have been obvious to one having ordinary skill in the art at the time the invention was made, since it appears that the invention would perform equally well with one pressure supply device connected to the cylinder as disclosed by Hiyama.

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Allowable Subject Matter

7. Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication from the examiner should be directed to Willie Berry whose telephone number is (703) 308-7467.

Willie Berry, Jr. :wbj
Examiner
Art Unit 3723
November 30, 2001

Sheet 1 of 1

FORM PTO 1449 (modified)

ATTY DOCKET NO.
2001_0122ASERIAL NO.
09/777,707U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT(S)

(Use several sheets if necessary.)

MAR 27 2001

Date Submitted to PTO: March 27, 2001

O I P
JAN 16 2002
APPLICANT

Norio KIMURA et al.

FILING DATE
February 7, 2001GROUP
3723

U.S. TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
WB	AJ 0816017	1/7/98	EP			
	AK					
	AL					
	AM					
	AN					

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	
	AP	
	AQ	

EXAMINER

Willie Berry, Jr.

DATE CONSIDERED

11/30/01

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited		Applicant/Patent Kimura et al.	Application/Control No. 09/777,707
		Examiner Willie Berry, Jr.	Art Unit 3723

JAN 16 2002
U.S. PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY ¹	Name	Classification ²
A	5,857,898	1/1999	Hiyama et al.	----
B				
C				
D				
E				
F				
G				
H				
I				
J				
K				
L				
M				

FOREIGN PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY ¹	Country	Name	Classification ²
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
U	
V	
W	
X	

¹ A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).

¹ Dates in MM-YYYY format are publication dates.

² Classifications may be U.S. or foreign.